



State of Alabama Department of Revenue

(www.revenue.alabama.gov)
50 North Ripley Street
Montgomery, Alabama 36132

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NOTICE

TO: All Solid Waste Management Facility Permit Holders

DATE: July 15, 2008

Act Number 2008-151 was passed in the 2008 Legislative Session and signed by the Governor on April 15, 2008. Effective October 1, 2008, the Act provides for the collection and payment of solid waste disposal fees by solid waste management facilities that have been issued a permit by the Alabama Department of Environmental Management (ADEM). The Act also provides that the owner or operator shall certify the volumes of solid waste received for disposal and collect/remit the fees to the Alabama Department of Revenue (ADOR) on a quarterly basis.

Fee Rates:

Disposal fees levied upon generators of solid waste disposing of the waste at permitted solid waste management facilities are:

- (a) One dollar (\$1) per ton for all waste disposed of in a municipal solid waste landfill, regulated solid waste that may be approved by ADEM as alternate cover materials in landfills and regulated solid waste received from out-of-state for disposal at permitted public solid waste facilities.
- (b) One dollar (\$1) per ton or twenty-five cents (\$0.25) per cubic yard for all waste disposed of in public industrial landfills, construction and demolition landfills, non-municipal solid waste incinerators, or composting facilities, which receive waste not generated by the permittee; regulated solid waste that may be approved by ADEM as alternate cover materials in landfills; and regulated solid waste received from out-of-state for disposal at permitted public solid waste facilities.
- (c) Twenty-five cents (\$0.25) per cubic yard for all waste disposed of in a private solid waste management facility, not to exceed one thousand dollars (\$1,000) per calendar year.

Waste Hauler Contract Adjustments:

The Act established a procedure for a waste hauler who has entered into a contract for transportation and disposal of solid waste which is in effect on the effective date of the Act, to recover amounts paid as disposal fees pursuant to this Act from the entity with whom the waste hauler has contracted. The procedure requires the waste hauler to report on September 1st of each year to the entity with whom it has contracted, the total tonnage transported under the terms of the contract. The waste hauler may then calculate an adjustment to the rates charged pursuant to the contract.

4% Allowance: All owners and operators collecting the solid waste fee may retain four percent (4%) of the total solid waste fees collected at their facilities as an administrative collection

allowance. Private solid waste management facilities not collecting the fees from third party generators are not eligible for the 4% allowance. Owners and operators failing to file timely and/or remit the fee timely will be subject to penalties according to the provisions of Title 40, Chapter 2A, Section 11. Interest will be charged according to Title 40, Chapter 1, Section 44.

Due Dates of Report and Payment:

The operators of permitted solid waste disposal facilities shall collect the above referenced disposal fees on all waste delivered to the solid waste facilities. Operators shall remit the disposal fees and file a quarterly report no later than the 20th day of January, April, July, and October, on forms provided by the Alabama Department of Revenue. A report must be filed with the Department of Revenue regardless of activity. A payment equaling \$750 or more in a given quarter obligates the taxpayer to remit the payment by Electronic Funds Transfer (EFT). The taxpayer may choose to make payment by EFT if the amount is less than \$750. To make payment by EFT, visit our web site at www.revenue.alabama.gov/pfmailform.cfm or contact the EFT Unit at 1-800-322-4106 or 334-242-0192 for assistance.

Exemptions:

Persons exempt from payment of the fees include (Note: References to the word “department” below pertains to the Alabama Department of Environmental Management):

- (a) Operators of industrial boilers, furnaces, and other processing equipment that burn solid waste generated on site for the purpose of fuel replacement or energy recovery and which are permitted by the department or by a local air pollution control agency.
- (b) Operators of composting facilities which are owned by the Alabama Department of Corrections and which receive only wastes generated by Alabama Department of Corrections facilities and institutions or those composting facilities otherwise exempt from permitting as provided in rules promulgated by the department.
- (c) Operators of industrial boilers, furnaces, and other processing equipment that burn scrap tires for the purpose of fuel replacement or energy recovery and are registered with the department as provided in rules promulgated by the department.
- (d) Scrap tire processors who receive and process scrap tires and who are permitted by or registered with the department as provided in rules promulgated by the department, except that a solid waste disposal facility permitted as a scrap tire processor shall collect the fee on all waste disposed of in its landfill.

Each facility must complete the enclosed registration form. Please verify and correct any information on the form, complete the spaces left blank, and return the form to ADOR no later than July 31, 2008. The new reporting form will be mailed to you in the near future. Failure to receive a report form does not relieve the owner or operator from the obligation of making a report on or before the due date. The first report to be filed with ADOR will be for the quarter Oct., Nov., and Dec., 2008. The report and payment are due by Jan. 20, 2009.

If you have any questions regarding this notice, please feel free to contact us by mail at the Tobacco Tax Section, P.O. Box 327555, Montgomery, AL 36132-7555 or by telephone at 334-242-9627. Questions for ADEM may be directed to 334-271-7700.